IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5662 OF 2004

Kum. Geeta Natwarlal Soni ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr. K.L. Kharva, for the Applicant.

Mr. D.R. More, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

21st December 2004

P.C.:

. This application has been filed for releasing the Applicant on temporary bail on the ground that the Applicant’s mother is seriously ill and she is required to be operated in connection with that illness. To support this stand, document at page 71, Exhibit K, has been filed purportedly issued by the Department of Cardio Vascular and Thoracic Surgery, Sir J.J. Group of Hospitals, Grant Medical College, Mumbai - 400 008 under the signature of Chief Resident.

Although the seal of Dr. G.N. Rachmale of the Department is appearing on the said document, it has not been signed by him. On the last occasion, learned A.P.P. on instructions stated that this document is forged document, as, according to the investigating officer, no such document was issued by the concerned hospital at any point of time. This statement has now been placed on affidavit of Mr. Pandurang G. Sanas, Police Sub-Inspector attached to Gamdevi Police Station, Mumbai, sworn on 20th December 2004. This affidavit encloses copy of the letter issued by the concerned hospital that there is no record to suggest that the document in question has been issued by the hospital as claimed by the Applicant. Today, affidavit of Smt. Bharati Subhashchandra Kabra sworn on 21st December 2004 has been placed on record by the Advocate for the Applicant. The affidavit asserts that the document in question was made over by the deponent to the Advocate on record for the Applicant for filing with the present application. The said Smt. Bharati Subhashchandra Kabra is personally present in Court and has been identified by the Advocate on record Mr. K.L. Kharva. She was specifically

asked whether she is aware that the document in question which is used in this proceedings is a fabricated document. She has denied that fact. She was asked to disclose the source from where the document at page 71 had been procured. She states that the same has been given to her by one Dr.Ashish from the same hospital. The Advocate on Record Mr. K.L. Kharva prays that in the light of this development, he would like to withdraw from the case. I see no reason to accede to this request. Instead, I am dismissing the present application on the ground that the forged document has been used in support of the claim for being released on temporary bail at the instance of the Applicant. Besides dismissing this application, I direct the investigating officer to register appropriate offence in relation to the document in question and proceed with the criminal action against the concerned persons in accordance with law. This order may be treated as granting permission under section 195 of the Code.

. Accordingly, this application is dismissed with the aforesaid directions.

. Copy of this order be forwarded to the trial Court, so that the trial Court can ensure compliance of the directions contained in this order.